

In re Grubbs, *et al.*
Appln. No. 08/693,789
Resp. to Off. Action Mailed October 21, 1997

PATENT

Election to Restriction Requirement

The Examiner has determined that claims 1-24 and 37-38 are drawn to carbene complexes and methods for making the same (Group I), that claims 25-29 and 40-41 are drawn to vinylidene complexes and methods for making the same (Group II), and claims 30-36 relate to various methods for use for the carbene or vinylidene complexes (Groups III-VIII).

Claims 39 and 42 were not recited in the Examiner's classification of the claims into eight distinct inventions. Because these claims are also directed to methods for making a carbene complex (like claims 37 and 38), Applicants respectfully submit that claims 39 and 42 also should be included in Group I.

Applicants' provisional election to prosecute the invention of Group I, claims 1-24 and 37-38, is hereby confirmed. As stated above, claims 39 and 42 are also believed to be part of the elected invention. Newly added claims 43-60 are believed to be proper since each are dependent on either allowed claims 37 and 38, or claims 39 and 42 which are believed to be properly part of the elected invention.

Double Patenting Rejection

The Examiner has rejected claims 1-24 under the judicially created doctrine of double patenting over claims 1 and 4-5 of U.S. Patent No. 5,312,940. Claims 1-24 have been cancelled without prejudice and will be re-filed as part of a divisional application.

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CONCLUSION

In summary, Applicants believe that the pending claims are in a condition for allowance. If a discussion might help clarify or expedite the resolution of any issue in this case, the Examiner is encourage to telephone the undersigned at (415) 433-4150.

Respectfully submitted,
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Dated: January 14, 1998 By:



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